

IRWIN DAVIS,

PLAINTIFF,

VS.

**SBM CORPORATION, doing business
as JIFFY LUBE, AUTO OIL CHANGE,
L.C., and TULSA AUTO LUBE, INC.,**

DEFENDANT.

CASE No. 08-CV-203-TCK-FHM

OPINION AND ORDER

Plaintiff's Motion for Protective Order [Dkt. 26] which seeks to quash a number of subpoenas issued by Defendant to Plaintiff's past or current employers and potential employers is before the Court for decision. Defendant has filed a response. [Dkt. 27]. No reply has been filed by Plaintiff.

Plaintiff contends that the information sought by these subpoenas has no relevance to this case and therefore should not be discoverable. Defendant responds that, in light of the broad discovery permitted by Fed.R.Civ.P. 26, all of the information sought by the subpoenas is relevant for purposes of discovery. In particular, Defendant contends that the information may be relevant to Plaintiff's damages, including mitigation, to establish a pattern of improper workplace conduct by Plaintiff and to impeach Plaintiff's testimony.

Plaintiff's citation to *Dreier v. Accord Human Resources*, 2008 WL 4534215 (W.D. Okla. 2008) for the proposition that such information is not discoverable is misleading, at best. The Court in *Dreier* did permit extensive discovery regarding that plaintiff's employment history.

The Court finds that the information sought by the subpoenas issued by Defendant is relevant within the meaning of Fed.R.Civ.P. 26 and, therefore, DENIES Plaintiff's Motion for Protective Order. [Dkt. 26]. The Court does however note that a protective order has been entered in this case limiting the disclosure of confidential information outside of this case. That protective order will apply to the information and documents produced in response to Defendant's subpoenas.

SO ORDERED this 22nd day of July, 2009.


FRANK H. McCARTHY
UNITED STATES MAGISTRATE JUDGE